

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD ALLEN BUSSLER,

Petitioner,

Case No. 1:08cv806

v.

Hon. Robert J. Jonker

JOHN OCWIEJA,

Respondent.
_____ /

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on December 3, 2008. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed December 3, 2008, is approved and adopted as the opinion of the court.

IT IS ORDERED that the habeas petition is **DISMISSED** pursuant to Rule 4 for failure to raise a meritorious federal claim.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473 (2000).

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: January 14, 2009.